

# THE BLUE BALLOT PROPOSITION AS EXPLAINED BY HON. FRANK SPRINGER, A LEARNED AND PROMINENT ATTORNEY OF SAN MIGUEL COUNTY

## Pleads With People Not to be Misled By Catch Phrase Deceptive Slogan

**The Blue Ballot Amendment, in a Nut-Shell, Proposes That Constitution May Be Changed, New Provisions Inserted Or Old Ones Repealed, at Any Time, and in Any Number, By Mere Majority of Those Who Take Enough Interest to Vote Upon It. There is no need of a Constitution If this Be the Best Way. Do We Want to Tear Down the Work Which It Took Nearly a Hundred of the Best and Ablest Men of New Mexico Sixty Days to Create? Do We Want the Fundamental Laws to Change With Every Wind That Blows? Why Do We Want to Change It?**

Every citizen of New Mexico, who has the interests of the state at heart, should read, study and ponder over the speech delivered at the opening of the state campaign for the Republican party of New Mexico in Las Vegas Saturday night by Hon. Frank Springer, a scholar and a learned legal light of San Miguel county. Mr. Springer is a man well learned in the law. He is a practical man. He is of an age where cold, deliberate facts are paramount. Mr. Springer's address in full follows:

Fellow Citizens of San Miguel County:

It is a pleasure and an honor to take part in the first Republican campaign in the state of New Mexico. The first convention of the party under the new conditions, recently been held in our midst. Over 300 delegates, selected by their fellow Republicans in every county in the state, assembled here to name the persons to whom they wished to entrust the administration of the new state. It was a body of men thoroughly representative of every section, and of all the interests and vocations which make up the life of this great commonwealth. We have attended their meetings and witnessed their proceedings. We listened to the orations of the favorite sons, and the cheers of their ardent supporters. We heard the shouts of the victorious, and admired the manliness of the vanquished, who like good sports smilingly pocketed their defeat and took their places in the ranks under the lead of those who had been temporarily preferred. It had its humorous and its serious sides, and after all was over we could realize that we had seen in action a fair average American political convention, an institution in which are exhibited the intense activities of earnest and vigorous men, exercising the most strenuous functions of citizenship, with its imperfections. If you please, but full of keen and warm-blooded human nature, an institution which, with all its shortcomings is a fair reflection of the average organized actions of men in their economic and political affairs the world over.

And so the convention named its candidates and put forth its declaration of principles, upon which it invites the suffrages of the people at the coming election. The advent of the new state finds the Republican party in control of its affairs in every department. And, with one or two brief interruptions, it has controlled the local government of New Mexico for upwards of forty years. Of most of this I have been myself a witness. When I came here the territory was a part of the primitive frontier. There was no railroad within 80 miles of its borders. It was encompassed on two sides by Indians in a state of periodic hostility, whose ravages, even for years afterwards, extended almost to the center of the territory, leaving a trail of barbarous carnage for which the southern Apache has never been surpassed.

The reclamation of this fair domain from the hands of savages, and from the name of "desert" by which it was known in the geographies of our youth, was then being wrought by two elements meeting here, and bringing the agencies of civilization from opposite ends of the continent. The first were the descendants of the Spanish conquerors, who with their incredible marches and dauntless courage had made a century of magnificent and romantic history in the southwest before the Pilgrims landed at Plymouth Rock, and who, with the sublime and self-sacrificing devotion of their mission-building friars, had planted and maintained here the Christian religion. The second were the Anglo-Saxon pioneers from eastern states. Some of them came in ox teams and mule trains, and some on foot; but they brought here at last those other two great claimants, the railroad and the plow.

These two peoples have worked at their task side by side. They have toiled together in peace and fought together in war; they have replaced the war-whoop of savages with the hum of industry, and they have made this so-called "desert" blossom as the rose, until today they have offered this bright and fair domain for a worthy and acceptable place in the sisterhood of states.

Thus they have built a state-as noble achievement as fails to the lot of men. In that achievement they have stood together in mutual encouragement and support. And, whatever may be done in future by others who may come in comfort and safety to enjoy the prize which their work has gained, the men who shared the vicissitudes of those pioneer days, and their sons, will continue hereafter to stand together, as comrades

forward in an attractive guise, which is apt to take the fancy of the voter, until he looks into the matter closer and sees what is a fundamental, "shall the constitution be easily amended?" "Why, of course, I am for it." So it is apt to be the first impression of the man who has not studied it, and the idea is so much easier to grasp in that form than to study it in the constitution itself, that many would naturally prefer to let it go at that. They are captured by a catch phrase. This is an age of slogans and catch phrases, which excite the emotions of people, and baffle their judgment. They abound in every phase of life. Trade and business are full of them. A prudent voter will put out a new commodity, or revive an old one, the most valuable asset he has is not the quality of the goods, but semi-newly coined name which will catch the eye of the multitude.

Let us not be misled by the exciting phrase. Let us not deceive ourselves because something sounds a clever slogan, and putting as to an easy way of finding a work which it took nearly a hundred of the best and ablest men of New Mexico sixty days to create. Let us take counsel among ourselves. May be there is another side to take, and perhaps the case may not be the right way, after all. Do we want a fundamental law at all? Do we want it to be substantive, so industry and business may rely upon it, or evanescent, to change with every wind that blows? WHY do we want to change it?

That is to say, if a change is generally desired by the people of the whole state, with sufficient earnestness that two-thirds of the legislature and 49 per cent of them who vote upon other questions, are in favor of it, and that 10 per cent is a majority of those voting upon it in half the counties, such change can be made within the time of one legislature, and one general election. Amendments may also be proposed by a majority of the legislature and similarly ratified, once in eight years, but the plan I have stated, except as to certain matters of suffrage that are specially excepted, applies to all times and all subjects. The number of amendments that can be proposed at one time is limited to three, and they must be so stated that the voters may vote upon them separately. There does not appear to me anything unreasonable or impossible in this, and I ask you to bear in mind in connection with what is now proposed, what has been done in other states.

The blue ballot amendment proposes to substitute for this an entirely different method of changing the constitution, by which any legislature, at any time, by a majority vote, may propose as many amendments as it chooses, and that these may be submitted to the people either at a general election, when other matters are voted upon, or at a special election to be held for that purpose alone, and that any amendment so proposed and submitted, if ratified by a majority of those voting upon it, no matter how small that vote may be, shall become a part of the constitution.

This is the only proof of honesty and righteousness among men. They are often sincere. But it is not to follow, because they are so, or because they call themselves reformers and progressives, that everybody else is wrong, and that the people must fall right in and march under their banners, in new and untried paths, without taking long and patient counsel with each other, and awaiting the result of the sole second thought. And it is the most important function of a constitution, ordained by ourselves, to call us to measure to insure that in these momentous affairs we shall, before meddling with the very foundations of our government, first sound and abide by this sober second thought.

That is why, my fellow citizens, it has been the universal policy of the federal government and the several states, with the exception of a few recent experiments, to provide that their constitutions, when once adopted, cannot be amended except under such restrictions as will make sure that the proposed change represents an unqualified and decisive public opinion, expressed after ample time for reflection. Therefore you will be surprised, after reading the comment of such eminent constitutional authorities as Collier's Weekly, and the Saturday Evening Post upon New Mexico's "sly and unamendable constitution," to learn that in the six states of the union are their constitutions easier of amendment than ours. In twenty-five states a vote of three-fifths or two-thirds of the legislature is required in order to submit an amendment to popular vote; and in the other fifteen states it is further required, in addition to this, that the amendment must first be adopted by two legislatures with a legislative session intervening. And I put it to you, reasonable men, was the convention which framed our constitution so far wrong, was the people of New Mexico, which ratified it so viciously, deprived when they followed the example of only one out of the forty-eight states of this union?

Consider for a moment the consequences of this proposed amendment. The legislature itself might be abolished, and an entirely different mode of making laws provided. That would be a very serious matter, not to be undertaken except for some extraordinary reason and with great deliberation, for a large part of the people might not wish to live in the state under the new method of law making. The legislature may pass a law fixing the punishment for larceny at one session, and change it at the next, but the general scheme of government would go on just the same, and people would not be alarmed for the security of their institutions. This, in brief, will show how widely different the two things are, and why they should be kept separate in our minds when dealing with this subject.

Equally important and solemn a thing as a constitution is a safeguard and protection to the people themselves against their own hasty, passionate, simple because somebody calls it reform, and where the only people benefited are the competitive producers of other countries. This has not been made a question of parts ready by the Republican platform, but in my opinion it should have been made so, because the issue has been squarely forced upon us by the Democrats as a political issue in fact, and there is no avoiding it. It is a Democratic proposal out and out, devised by a few of their leaders for the purpose of accomplishing, in one way, what they failed to do in another, and it is now taken up and endorsed as a distinct party claim by their state convention. It is the same old fight upon which they have been twice defeated, but under another name. When the constitution was submitted to the people for ratification, the Democratic party, in a convention held at Santa Fe, formally and definitely opposed it. Because nothing else it did not contain some provisions for which the party had contended in the election of delegates to the constitutional convention, and on which it had been defeated to the extent of two to one of the delegates. While not making a vote upon the constitution a test of party fealty, it nevertheless gave thirteen reasons upon which it urged the voters to reject it. On this proposition it was defeated by the largest majority ever given in New Mexico upon a contested issue. Then the defeated leaders transferred their activities to Washington, and by the aid of the Democrats in congress succeeded in forcing us to vote again upon what is the same old proposition in a new form which has been twice turned down by the people of New Mexico by tremendous and decisive majorities. True, it does not contain, in specific terms, the details of those twice defeated contentions; but in the guise of a glittering generality it undertakes to provide a quick and easy way by which they can be revived, and put through as a matter of party politics, whenever the chances of a change may give them a temporary majority.

The blue ballot amendment, in a nut shell, proposes that the constitution may be changed, new provisions inserted or old ones repealed, at any time, and in any number, by a mere majority of those who take enough interest to vote upon it. That is to say, that constitutional provisions involving the fundamental provisions of our government, constituting the Magna Charta of our rights, liberties and property, shall be reduced to the level of ordinary laws, varying with the transient impulses of every passing year. If this be the best way, then the conclusion inevitably follows that there is no need of a constitution at all, and that is the practical result which every thoughtful citizen, in the last analysis of this question, must face.

The blue ballot proposition is put

forward in an attractive guise, which is apt to take the fancy of the voter, until he looks into the matter closer and sees what is a fundamental, "shall the constitution be easily amended?" "Why, of course, I am for it." So it is apt to be the first impression of the man who has not studied it, and the idea is so much easier to grasp in that form than to study it in the constitution itself, that many would naturally prefer to let it go at that. They are captured by a catch phrase. This is an age of slogans and catch phrases, which excite the emotions of people, and baffle their judgment. They abound in every phase of life. Trade and business are full of them. A prudent voter will put out a new commodity, or revive an old one, the most valuable asset he has is not the quality of the goods, but semi-newly coined name which will catch the eye of the multitude.

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